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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,773	02/20/2004	Miki Abe	249092US6	3760

22850	7590	06/29/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.		
1940 DUKE STREET		
ALEXANDRIA, VA 22314		

EXAMINER	
MEDE, ESTEVE	

ART UNIT	PAPER NUMBER
2137	

NOTIFICATION DATE	DELIVERY MODE
06/29/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/781,773

Applicant(s)

ABE ET AL.

Examiner

Esteve Mede

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 11, discloses a program for having a computer execute processing of recording information to a recording medium. For a claim to be statutory it must be eligible subject matter. The claim as written can be interpreted by one of ordinary skill in the art as a program per se, and therefore is directed toward subject matter ineligible for patenting.

Claim 12, discloses a recording medium for recording information which records said information and a recording ID for identifying a recording environment in which said information was recorded to said recording medium. For a claim to be statutory it must be an eligible subject matter. The claim as written can be interpreted by one of ordinary skill in the art as a computer data structures per se, and therefore is directed toward subject matter ineligible for patenting.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (US 6,735,699 B1) in view of Green et al. (US 5,940,854).

Regarding claims 1-2, and 5-7, Sasaki discloses a reproducing system for reproducing information recorded to a recording medium comprising; determining whether said recoding ID has already been registered (col. 5, lines 3-7); registering said recording ID if it has not yet been registered (col. 7, lines 17-36; col. 5, lines 28-34); determining whether or not said recording ID already been registered (col. 4, lines 36-42; col. 8, lines 35-45); disabling or restricting reproduction if said recording ID does not match registered recording ID (col. 4, lines 36-42; col. 8, lines 40-45).

However Sasaki does not disclose, obtaining from the recording medium a recording ID, which identifies a recording environment in which the information was recorded to the recording medium. Green discloses the process of obtaining recording ID from a recording medium, which identifies the recording environment (see Figure 4, of the diagram; col. 3, lines 37-47). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sasaki to include the use of recording ID in order to protect content from being reproduced by unauthorized parties.

Regarding claim 3, Green discloses a recording ID that cannot be deleted, or overwritten (col. 3, lines 60-66).

Regarding claim 4, Sasaki discloses reading an encryption key, which was used to encrypt content in recording medium if the recording ID match the registered ID,

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decrypting the content with encryption key and render content for reproduction (col.10, lines 40-67).

3. **Claims 8-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama (US 2002/0071555 A1) in view of Green et al. (US 5,940,854).

Regarding claims 8-12, Akiyama discloses encrypting the information by an encryption key (para. 0007, lines 1-3); recording the information encrypted in the encryption step to said recording medium (para. 0007, lines 5-7); and recording the recording ID generated in the generating step along with the encryption key (para. 0005, lines 6-8).

However Akiyama does not disclose that a method of generating a recording ID for identifying environment in which the information recorded in the recording medium. The general concept of generating a recording ID for identifying environment in which the information recorded in the recording medium is well known in the art as illustrated by Green, which discloses generating a recording ID on a disc (disk) if one is not already there (col. 3, lines 37-47). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Akiyama to include the use of generating a recording ID in order to provide content protection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-

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1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede

June 12, 2007


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER